



## REMARKS/ARGUMENT

Claims 8, 9, and 14 have been canceled herein without prejudice, and claim 15 has been added herein. Accordingly, claims 1-7, 10-13, and 15 are currently pending in the present application.

Applicant has added claim 15, has amended claims 1 and 12 to further clarify the novel features of the various inventions recited therein, and has non-substantively amended claims 2-7 and 10-13 to correct for minor errors of form. It is respectfully submitted that the new claim and the amendments do not add new matter and have adequate support throughout the Specification.

Otherwise, Applicant respectfully traverses all claim rejections for the reasons that follow:

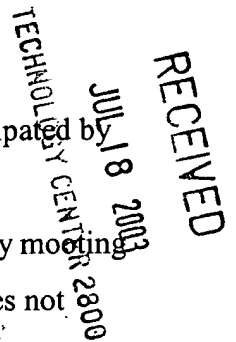
### I. REJECTIONS OF CLAIMS 1-10 AND 12-14 UNDER 35 U.S.C. § 102(b)

Claims 1-10 and 12-14 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent no. 5,396,436 to Parker et al. (hereinafter "Parker").

Claims 8, 9 and 14 have been canceled herein without prejudice, thereby mooted the rejections of these claims. Furthermore, it is respectfully submitted that Parker does not anticipate claims 1-7, 10, 12, and 13 for the reasons that follow.

Parker relates to a wheel balancing apparatus with improved calibration. (Parker, Abstract). As characterized in one embodiment, a single "couple calibration" is performed, in which two known masses are positioned in two calibration planes "on the bare spindle." (Parker, col. 9, lines 9-25). These two masses produce a couple force when the spindle rotates. Couple calibration signals may then be computed from the couple force by vector subtraction of residual spindle imbalances. (Parker, col. 11, line 27 to col. 12, line 16).

To reject a claim based on anticipation, a single prior art reference must identically disclose each and every limitation of the claim. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 631 (Fed. Cir. 1987). In accordance with this standard, it is respectfully submitted that Parker does not disclose "first and second calibration runs" forming "first and second simulated calibration masses" that produce "first and second unbalanced forces"



on the measuring shaft, "measuring the first and second unbalanced forces, "and "evaluating the measured unbalanced forces to calibrate the unbalance measuring apparatus," as recited in claim 1.

Although Parker states that "couple calibration" requires that two masses are positioned on two different calibration planes, the "couple calibration" involves only **a single calibration run**, through which the couple calibration signals are obtained. In this manner, the couple calibration signals measured during **the single calibration run** represent the signals that would be directly measured by a spin of a perfectly balanced spindle with the couple calibration masses mounted. Thus, unlike claim 1, Parker does not perform any calculation, adjustment, or calibration in accordance with multiple separate calibration runs, much less "first and second calibration runs" forming "first and second simulated calibration masses" that produce "first and second unbalanced forces" on the measuring shaft, "measuring the first and second unbalanced forces, "and "evaluating the measured unbalanced forces to calibrate the unbalance measuring apparatus," as recited in claim 1.

Further regarding claim 1, it is respectfully submitted that Parker does not disclose "mounting a balanced test rotary member on the measuring shaft of the unbalance measuring apparatus [and] fixing first and second calibration masses to the test rotary member," as recited in this claim. As described above, Parker does not disclose a test rotary member for receiving the calibration masses as in applicant's claims 1, 12 and new claim 15. Rather, the calibration masses of Parker are positioned directly "on the bare spindle." (Parker, col. 9, lines 9-25). As such, Parker simply does not disclose "fixing . . . calibration masses to the test rotary member," as recited in claim 1.

For at least the foregoing reasons, it is respectfully submitted that Parker does not anticipate claim 1. Furthermore, since claims 2-7 and 10 ultimately depend from claim 1, since claim 12 recites "an evaluation arrangement . . . adapted to evaluate . . . measured forces **in at least two calibration runs** to calibrate the unbalance measuring apparatus," Claim 12 and also new claim 15 have similar elements. Since claim 13 depends from claim 12, it is respectfully submitted that Parker does not anticipate claims 12 and 13 or claim 15 for at least the same



reasons. Accordingly, it is kindly requested that the rejections of claims 1-10 and 12-14 under 35 U.S.C. § 102(b) be withdrawn and that claim 15 be allowed.

## **II. REJECTION OF CLAIM 11 UNDER 35 U.S.C. § 103(a)**

Claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over Parker. Respectfully, Applicant traverses.

For the reasons described above, Parker does not disclose each and every feature of claim 1, from which claim 11 depends. Specifically, Parker does not disclose "first and second calibration runs" forming "first and second simulated calibration masses" that produce "first and second unbalanced forces" on the measuring shaft, "measuring the first and second unbalanced forces, "and "evaluating the measured unbalanced forces to calibrate the unbalance measuring apparatus." Furthermore, Parker does not disclose "mounting a balanced test rotary member on the measuring shaft of the unbalance measuring apparatus [and] fixing first and second calibration masses to the test rotary member."

For at least the foregoing reasons, it is respectfully submitted that claim 11 is allowable over Parker. Accordingly, it is kindly requested that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn.

## **III. NEW CLAIM 15**

Claim 15 has been added herein. Claim 15 recites "[a] calibration arrangement to calibrate an unbalance measuring apparatus, the apparatus including a measuring shaft having a measuring axis extending longitudinally therethrough; a supporting arrangement to support the measuring shaft rotatably about the measuring axis; and a driving arrangement to rotate the measuring shaft, the calibration arrangement comprising . . . an evaluation arrangement connected to the measuring sensors and adapted to evaluate the measured forces in at least two calibration runs to calibrate the unbalance measuring apparatus."

As described above, Parker does not disclose "first and second calibration runs" and, as such, simply does not disclose "an evaluation arrangement connected to the measuring sensors and adapted to evaluate the measured forces in at least two calibration runs to calibrate

the unbalance measuring apparatus," as recited in claim 15. For at least these reasons, it is respectfully submitted that claim 15 is allowable over Parker. As noted above, claim 12 is allowable for this reason also.

#### IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 11, 2003:

Robert C. Faber

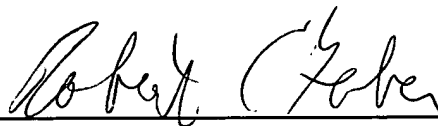
Name of applicant, assignee or  
Registered Representative

Signature

July 11, 2003

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF:BND